

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
IN THE WESTERN DIVISION**

Mary Doe as next friend of John Doe 1,
John Doe 2, and John and Jane Does
1-100,

Plaintiffs,

v.

Case No.: 2:22-cv-02657-JTF-tmp

Varsity Brands, LLC; Varsity Spirit, LLC;
Varsity Brands Holding Company, Inc.;
U.S. All Star Federation, Inc. d/b/a U.S.
All Star Federation; USA Federation
for Sport Cheering d/b/a USA Cheer;
Charlesbank Capital Partners, LP; Bain
Capital, LP; Jeff Webb, individually;
Gym & Studio Ops, LLC d/b/a Premier
Athletics; Susan Traylor; and
Dominick Frizzell,

Defendants.

PETITION FOR APPROVAL OF MINOR SETTLEMENT

COME NOW Minor Plaintiff John Doe 1 (“Plaintiff”),¹ by and through his Next Friend Mary Doe and through counsel, and for his Petition for Approval of Minor Settlement, alleges as follows:

1. Plaintiff is a minor child and a resident of Knox County, Tennessee.
2. This matter involves personal injuries, including physical injuries, arising out of incidents that allegedly occurred while Minor Plaintiff was an all-star cheer athlete competing on behalf of a private all-star cheer gym.

¹ This Petition is filed on behalf of John Doe 1 as John Doe 2 is over the age of 18.

3. During the operative timeframe, Plaintiff was a member of Defendant U.S. All-Star Federation and a participant in competitions, for which Defendant Varsity Spirit, LLC was an event producer.

4. As alleged, Plaintiff has claims arising from his participation including that he was subjected to misconduct, including sexual misconduct, and has further alleged that these Defendants² controlled the environments where some of the alleged misconduct perpetrated against Plaintiff John Doe 1 occurred.

5. Plaintiff's Mother has been appointed as Next Friend. Both Plaintiff John Doe 1 and Mary Doe have consented to this appointment.

6. As a result of the alleged abuse, Plaintiff alleges that he has sustained injuries including physical injuries, psychological injuries and emotional injuries resulting in substantial damages.

7. Defendants deny liability for Plaintiff's injuries.

8. As the result of pre-suit negotiations, Plaintiff and Defendants reached a proposed settlement of Plaintiff's claims. The settlement amount is confidential, as are other terms of the settlement.

9. Plaintiff intends to submit the proposed settlement agreement and related settlement documents to the Court at a hearing after seeking leave to have it filed as a sealed exhibit or after obtaining the Court's approval to withdraw it as an exhibit at the conclusion of the hearing, due to the confidential nature of the settlement, the inclusion of Plaintiff's full name, the inclusion of

² The Settling Defendants include all defendant parties in this case other than USASF and Mr. Frizzell. Upon information and belief, USASF has reached a separate settlement with plaintiff and has submitted separate documents for minor approval.

Plaintiff's Next Friend's full name, the inclusion of Plaintiff's father's full name, and the sensitive and personal nature of this matter.

10. Plaintiff's counsel has fully investigated the facts and circumstances of this matter.

11. Plaintiff, his Next Friend, and counsel believe the settlement, including all terms thereof, is fair, reasonable, and in the best interests of Plaintiff, pursuant to the provisions of T.C.A. §34-1-121.

12. Plaintiff verifies in accordance with T.C.A. §71-5-117(g) that there is no TennCare subrogation interest in this matter.

13. Plaintiff and/or his Next Friend contracted with counsel for said counsel to receive a portion of any recovery made on behalf of Plaintiff, as well as reimbursement of any expenses incurred.

WHEREFORE Plaintiff respectfully requests this Court enter an Order and Judgment that:

- a. Finds Plaintiff's Next Friend is authorized as Next Friend of Plaintiff to enter into the settlement agreement submitted to the Court;
- b. Approves the settlement under the terms set forth in the settlement agreement and settlement documents submitted to the Court;
- c. Approves the establishment and funding of a Tennessee Asset Protection Trust for the sole benefit of the Minor Child John Doe that will be administered by Advocacy Trust as set forth in the materials submitted;
- d. Approves the disbursement of funds and attorneys' fees and expenses as set forth in documents/exhibits provided to the Court;
- e. Orders that all exhibits/documents submitted at the approval hearing, including the Settlement Agreement & Release, shall be removed from the Court file and retained

by Plaintiff's attorneys after the hearing on Plaintiff's Petition for Minor Settlement Approval; and

- f. Orders Plaintiff to dismiss this cause of action with prejudice after receipt of the payment of the full settlement proceeds; and
- g. Provides any further relief this Court deems just and proper.

Respectfully Submitted,

CLEMMONS & CLEMONS, PLLC

/s/ John Ray Clemmons

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CERTIFICATE OF CONSULTATION

Plaintiffs' counsel consulted with all interested parties prior to filing this Petition and this motion is unopposed.

/s/ John Ray Clemmons

CERTIFICATE OF SERVICE

The undersigned counsel for Plaintiffs certifies that on September 9, 2024, a true and correct copy of the foregoing was filed via this Court's ECF filing system, and that all counsel of record were served through operation of that system.

/s/ John Ray Clemmons